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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,268	11/27/2001	Bran Ferren	APPL0021	9703

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GLENN PATENT GROUP  
3475 EDISON WAY, SUITE L  
MENLO PARK, CA 94025

EXAMINER

DINH, MINH

ART UNIT	PAPER NUMBER
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2132

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/995,268

**Applicant(s)**

FERREN ET AL.

**Examiner**

Minh Dinh

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/10/2002</u> . | 6) <input type="checkbox"/> Other: ____  |

### **DETAILED ACTION**

1. Claims 1-44 have been examined.

#### ***Priority***

Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 119(e) as follows: the application has not positively claimed priority to provisional application 60/250955. The specification needs to be amended to positively claim priority to provisional application 60/250955. In addition, the declaration is defective because priority claim to provisional application 60/250955 is listed under 35 U.S.C 120 rather 35 U.S.C 119(e).

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-9, 12-29, 32-41 and 44 are rejected under 35 U.S.C. 102(e) as being anticipated by Bjorn et al (6,125,192).

Regarding claims 19-20, which is representative of claims 1-2, 13-14 and 33-34, Bjorn discloses a method for authenticating a user of an imaging device who activates and interacts with the imaging device (figure 1, element 150 and figure 11A) and therefore, meets the limitation of the device's operator. The method comprising obtaining, from a biometric sensor, biometric information that is fingerprint information of said operator (fig. 8, element 860; fig. 11A, step 1120). Since the fingerprint information is obtained as an image by the imaging device, the obtaining step meets the limitation of capturing an image of a fingerprint of said operator with said imaging device, substantially simultaneously with the step of obtaining said biometric information. Bjorn further discloses storing said captured image, which contains said biometric information (fig. 11B, step 1140); retrieving said captured image which contains said biometric information (fig. 6A, step 640); obtaining candidate biometric information in the form of a second image indicating the identity of a supposed operator of said imaging device (fig. 6A, step 620); comparing said candidate biometric information and said stored biometric information (fig. 6B, step 645); and authenticating said supposed operator as said imaging device operator at the time of capture of said image if said stored biometric information substantially matches said candidate biometric information (fig. 6A, step 660-665).

Regarding claims 3, 21 and 35, Bjorn further discloses that the biometric sensor is an optical measurement based sensor.

Regarding claims 4-5, 22-23 and 36-37, Bjorn further discloses analyzing said biometric information and creating a reduced representation of said biometric

information, the reduced representation being functionally equivalent to a biometric signature of said biometric information (col. 14, lines 24-28).

Regarding claims 6, 16, 24 and 38, Bjorn further discloses that the imaging device is a digital imaging device (fig. 2, element 265).

Regarding claims 7-9, 17-18, 25-29 and 39-41, Bjorn further discloses generating a digital signature of said captured image prior to storing said captured image and verifying said digital signature after the retrieving step and prior to the comparing step (col. 16, lines 55-61).

Regarding claims 12, 32 and 44, Bjorn further discloses encrypting all data communicated by the sensor. Inherently, said captured image is encrypted to produce an encrypted image (col. 9, lines 44-52).

Regarding claim 15, Bjorn further discloses that the candidate biometric information is obtained from a database of biometric information (col. 5, lines 7-10).

### ***Claim Rejections - 35 USC § 103***

4. Claims 10-11, 30-31 and 42-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bjorn as applied to claims 9 and 29 above, and further in view of Schneier ("Applied Cryptography"). Bjorn discloses generating the digital signature (col. 16, lines 55-61). Bjorn does not disclose generating the digital signature using a hash function. Schneier discloses generating a digital signature using a hash function (see Singing Document with Public-Key Cryptography and One-Way Hash Functions, p. 38-39). It would have been obvious to one of ordinary skill in the art at the time the

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invention was made to modify the Bjorn method to generate the digital signature using a hash function, as taught by Schneier. The motivation for doing so would have been to save time.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,870,946 to Teng et al.

U.S. Patent Application Publication No. 2005/0036656 to Takahashi.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Dinh whose telephone number is 571-272-3802.

The examiner can normally be reached on Mon-Fri: 10:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MD

Minh Dinh  
Examiner  
Art Unit 2132

MD  
7/5/05

  
GILBERTO BARRÓN Jr.  
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